

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

Dennis Shaffer,)	
)	Cause No.14-00915-CV-W-DW
Plaintiff,)	
)	
vs.)	
)	
Rees Masilionis Turley Architecture, LLC,)	
)	
)	
Defendant.)	

JOINT MOTION FOR APPROVAL OF SETTLEMENT

COME NOW Plaintiff and Defendant (hereafter referred to collectively as the “Parties”), by and through their attorneys, and jointly file this Joint Motion for Approval of Settlement.

1. Plaintiff filed suit against Defendant in which he alleges that the Defendant violated the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.* and Missouri’s Minimum Wage Law (“MMWL”), Mo. Rev. Stat. § 290.500 *et seq.*, by refusing to pay him overtime compensation when he was employed by the Defendant during the three years prior the filing of the Action.

2. Court approval of this settlement is necessary to effectuate a valid and enforceable release of Plaintiff’s FLSA and MMWL claims. *See Copeland v. ABB, Inc.*, 521 F.3d 1010, 1014 (8th Cir. 2008); *Lynn’s Food Stores, Inc. v. United States*, 679 F.2d 1350, 1353 (11th Cir. 1982). When an employee or group of employees brings suit directly against a private employer for violation of the FLSA, as is the case here, a settlement agreement and dismissal with prejudice is appropriate as long as the Court is satisfied that the settlement was “reached in adversarial proceedings” and “represents a fair and equitable compromise” of a bona fide dispute. *Hill v. World Wide Technology Holding Co., Inc.*, No. 4:11CV02108AGF, 2012 U.S.

Dist. LEXIS 153264, at *3 (E.D. Mo. Oct. 25, 2012); *Simmons v. Enterprise Holdings, Inc.*, No. 4:10CV00625AGF, 2012 U.S. Dist. LEXIS 97463, at *5-6 (E.D. Mo. July 13, 2012); *Delp v. Jobhog, Inc.*, No. 12-06142-CV-SJ-DGK, 2013 U.S. Dist. LEXIS 68771, at *1-2 (W.D. Mo. May 15, 2013).

3. The proposed settlement of this action was reached as a result of contested litigation, and it fairly resolves a bona fide dispute between the Parties. The Parties engaged in an investigation of the pertinent facts and law and conducted negotiations before finally reaching settlement. This settlement is fair and reasonable. It provides Plaintiffs with immediate relief in a contested matter. For these reasons, the Parties respectfully request that this Court enter an order approving their settlement agreements and dismissing this action with prejudice.

4. Upon the approval of the settlement, the parties will notify the Court of receipt of payment, at which time the case shall be dismissed with prejudice.

5. In support of this Motion, the parties are contemporaneously filing a Memorandum of Law in support of the Motion.

6. A copy of the settlement agreement is attached to the Memorandum in Support.

WHEREFORE, Plaintiff and Defendant pray this Court approve the settlement between the parties, and for such other and further relief as this Court deems just and proper.

ENGELMEYER & PEZZANI, LLC

by: /s/ Anthony M. Pezzani
Anthony M. Pezzani, #52900
tony@epfirm.com
13321 North Outer Forty, #300
Chesterfield, MO 63017
Phone: 636-532-9933
Fax: 314-863-7793

REAVEY LAW LLC

By: /s/ Patrick G. Reavey.
Patrick G. Reavey MO# 47365
Kevin C. Koc MO# 56955
Livestock Exchange Building
1600 Genessee, Suite 303
Kansas City, MO 64102
Ph: 816.474.6300
Fax: 816.474.6302
Email: preavey@reaveylaw.com
Email: kkoc@reaveylaw.com
Website: www.reaveylaw.com